

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

TROY HARDEN,

Plaintiff

VS.

FREDERICK BRIGHT, *et al.*,

Defendants

NO. 5: 06-CV-266 (DF)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER

Upon consideration of plaintiff's motion for default judgment¹ (Tab #10) because of the alleged failure of the defendants to timely file responsive pleadings, the court finds no basis therefor. The time for filing responsive pleadings has not yet expired. *See* Rule 4 of the Federal Rules of Civil Procedure.² Accordingly, plaintiff's motion is **DENIED**.

SO ORDERED, this 3rd day of OCTOBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." in a cursive script.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹ It is unclear whether the plaintiff's motion is a motion for entry of default or a motion for default judgment. In either case, default is inappropriate.

² Rule 4 of the **Federal Rules of Civil Procedure** provides that if a defendant properly files a WAIVER OF SERVICE with the court, he is not required to file an answer or other responsive pleading until 60 days after the date on which the request for waiver of service was sent to him. *See* Rule 4(d)(3).